

# CONSTITUTION

## Preamble

For God and Country, we associate ourselves together for the following purposes:

To uphold and defend the Constitution of the United States of America; to maintain law and order; to foster and perpetuate a one hundred percent Americanism; to preserve the memories and incidents of our associations during the Great Wars; to inculcate a sense of individual obligation to the community, state, and nation; to combat the autocracy of both the classes and the masses; to make right the master of might; to promote peace and goodwill on earth; to safeguard and transmit to posterity the principles of justice, freedom and democracy; to participate in and contribute to the accomplishment of the aims and purposes of The American Legion; to consecrate and sanctify our association by our devotion to mutual helpfulness.

## Article I - Name

The name of this organization shall be American Legion Auxiliary \_\_\_\_\_  
\_\_\_\_\_ Unit No. \_\_\_\_\_, Department of Texas.

## Article II - Nature

Section 1. The American Legion Auxiliary is a civilian organization of women.

Section 2. The American Legion Auxiliary shall be absolutely non-political and shall not be used for the dissemination of partisan principles or for the promotion of the candidacy of any person seeking public office or preferment.

## Article III - Object

The object of the American Legion Auxiliary, \_\_\_\_\_  
\_\_\_\_\_ Unit No. \_\_\_\_\_, Department of Texas, shall be as stated in the Preamble to the Constitution.

## Article IV - Eligibility

Section 1. Membership in the American Legion Auxiliary shall be limited to the mothers, wives, daughters, sisters, granddaughters, great-granddaughters, and grandmothers of members of The American Legion, and to the mothers, wives, daughters, sisters, granddaughters, great-granddaughters, and grandmothers of all deceased men and women who were in the Armed Forces of the United States during any of the following periods: April 6, 1917, to November 11, 1918; December 7, 1941, to December 31, 1946; June 25, 1950, to January 31, 1955; February 28, 1961, to May 7, 1975; August 24, 1982, to July 31, 1984; December 20, 1989, to January 31, 1990;

August 2, 1990, to the date of cessation of hostilities as determined by the government of the United States, all dates inclusive, or who, being citizens of the United States at the time of their entry therein served on active duty in the Armed Forces of any of the Governments associated with the United States during any of said periods, and died in the line of duty or after honorable discharge; and to those women who of their own right are eligible for membership in The American Legion.

Section 2. There shall be two classes of membership, Senior and Junior.

(a) Senior membership shall be composed of members over the age of eighteen years; provided, however, that a wife under the age of eighteen years, who is eligible under Section 1 of this article shall be classed as a Senior member.

(b) Junior membership shall consist of that group under the age of eighteen years, whose activities shall be supervised by the Senior membership. Upon reaching the age of eighteen years, Junior members shall automatically be admitted into Senior membership with full privileges.

(c) Dues of both classes shall be paid annually or for life.

#### **Article V - Unit Officers**

The Unit shall elect annually a President, First Vice President, Second Vice President, Secretary, Treasurer, Chaplain, Historian and Sergeant-at-Arms, who shall serve until their successors are duly installed or as otherwise provided. (The offices of Secretary and Treasurer may be combined and called Secretary/Treasurer.)

#### **Article VI - Executive Committee**

There shall be an Executive Committee, which shall consist of the officers and three additional members-at-large, elected by the Unit. The term of office for members of the Executive Committee shall be for one year. The out-going President may be a member with voice and no vote.

#### **Article VII - Fiscal Year**

The fiscal year shall be the same as that of the Department.

#### **Article VIII - Amendments**

Section 1. This Constitution may be amended by a two-thirds vote of the members present at a regular Unit meeting, provided the proposed amendments shall have been read at the previous meeting.

Section 2. Amendments not having been previously read may be adopted by the unanimous vote of the members present.

Section 3. The Constitution shall be automatically amended to conform to the National and Department Constitution and Bylaws and Standing Rules of the American Legion Auxiliary.

## **BYLAWS**

### **Article I - Executive Committee**

Section 1. Between meetings the government and management of this Unit shall be entrusted to the Executive Committee and all proceedings of said committee shall be presented to the Unit at the next meeting for approval.

Section 2. A vacancy existing in the Executive Committee from any cause other than the expiration of a term shall be filled by the majority vote of the entire committee. (Exception: A vacancy in the office of President shall be automatically filled by the First Vice President; the Second Vice President shall become First Vice President, etc.) A person elected shall hold office for the unexpired term of the member whom she succeeds.

Section 3. One-third of the members of the Executive Committee shall constitute a quorum.

Section 4. The Executive Committee shall meet once a month. Special meetings may be called by order of the President or on written request of at least three members of the Executive Committee. Uniform notice of such special meeting shall be given to all members of the Executive Committee; and, except in extreme emergency, shall be given at least forty-eight hours in advance. At special meetings only business specified for said special meeting shall be transacted.

### **Article II - Duties and Powers of Officers**

Section 1. Duties of the Unit President: It shall be the duty of the President to preside at all meetings of the Unit and the Unit Executive Committee; to enforce strict observance of the Constitution and Bylaws; to appoint members of the standing committees; to create such other committees and appoint members thereof as she deems advisable; to perform such other duties as custom and parliamentary usage require; and to appoint all officers not otherwise provided for.

Section 2. Duties of the Unit Vice President: The First and Second Vice President, in the order named, shall, when called upon, assist the President and in her absence perform her duties, and shall succeed her in office in case of death, resignation or removal.

Section 3. Duties of the Unit Secretary: It shall be the duty of the Secretary to record the proceedings and transactions of all meetings of the Unit; to act as custodian of all books, papers and

records; to keep a record of names and addresses of the members, showing the source of their eligibility; to send out such notices as are directed by the President; to conduct the correspondence of the Unit; to keep on file in a comprehensive manner copies of all correspondence sent and received; and perform such other duties as shall be required by the President.

Section 4. Duties of the Unit Treasurer: It shall be the duty of the Unit Treasurer to receive all money belonging to the Unit and to account for them. She shall maintain two separate funds, namely a general and a rehabilitation fund. All Poppy donations shall be placed in the rehabilitation fund and be used to assist the veteran and his/her children. She shall keep an accounting of her receipts and expenditures, making an annual report thereon, and such other reports as may be deemed necessary by the Unit Executive Committee. Her accounts shall be audited annually. She shall pay all current bills before transferring all funds, books, and papers belonging to the Unit to her successor.

Section 5. Duties of the Unit Chaplain: It shall be the duty of the Chaplain to offer prayer at the opening of each meeting; to mail sympathy and get well cards, and to perform such other duties as the President directs.

Section 6. Duties of the Unit Historian: It shall be the duty of the Unit Historian to compile historical records of the Unit and to make an annual report to the Department Historian.

Section 7. Duties of the Unit Sergeant-at-Arms: It shall be the duty of the Sergeant-at-Arms to preserve order at the meetings of the Unit; to properly care for the Unit Colors and for their advancement and retirement at Unit meetings; and to perform such other duties as may be directed by the President.

Section 8. Where deemed necessary, a Recording Secretary and a Corresponding Secretary may be elected to carry on the duties normally performed by the Secretary.

Section 9. The office of Secretary may be combined with that of Treasurer and called Secretary/Treasurer.

### **Article III – Dues / Finance**

Section 1. The annual membership dues of this Unit shall be \$\_\_\_\_\_ for Seniors and \$\_\_\_\_\_ for Juniors, paid annually or for life, and shall include the Department and National per capita.

Section 2. A member failing to pay annual dues, including the Unit, Department and National assessments, by January 31, shall be classed as delinquent and shall be suspended from all membership privileges. Payment of back dues, after suspension, shall reinstate such member to active membership. Any member delinquent to December 31 of the year of delinquency shall be automatically dropped from the rolls and may be reinstated only by paying all back dues or by re-establishing eligibility and making application as a new member. Payment of back dues will not constitute continuous membership.

Section 3. Membership dues shall be transmitted promptly to Department Headquarters in Austin, Texas.

Section 4. The Unit's Christmas Assessment shall be promptly submitted to Department Headquarters upon notification of the amount due prior to December 1.

Section 5. The Unit Bonding Fee shall be transmitted promptly to Department Headquarters upon notification of amount due and no later than when submitting the annual Certification of Officers.

#### **Article IV - Unit Meetings**

Section 1. The regular meeting of \_\_\_\_\_ Unit # \_\_\_\_\_ shall be held on the \_\_\_\_\_ of each month, unless otherwise specified, and shall be called to order at \_\_\_\_\_ p.m.

Section 2. An annual meeting of this Unit shall be held in the month of \_\_\_\_\_ each year for the purpose of electing officers and delegates and alternates to the Department Convention. Following the annual meeting of elections the Certification of Officers form and the Certification of Delegates and Alternates for the Department Convention shall be transmitted promptly to Department Headquarters and received at least ten (10) days prior to the Department Convention.

Section 3. Special meetings of this Unit may be called by the President, by a majority of the Executive Committee, or upon written request of three Senior members of the Unit to dispose of a stated item of business.

Section 4. \_\_\_\_\_ members shall constitute a quorum at any regular or special meeting of the Unit.

#### **Article V - Elections**

Section 1. Elections shall be by ballot unless there is only one candidate for an office when a voice vote may be used. A majority of the votes cast shall be necessary to elect.

Section 2. Delegates and alternates to the Department Convention shall be elected at a Unit meeting duly called for that purpose not less than four weeks prior to the Convention. Alternates shall have priority in the order of their election.

Section 3. All Officers and Executive Board Members shall be elected annually at a meeting duly called for that purpose.

Section 4. Delegates and alternates to District and Division Conventions shall be elected at a Unit meeting duly called for that purpose not less than fifteen (15) days prior to the Convention.

## **Article VI - Committees**

Section 1. A Nominating Committee composed of three members shall be elected for the purpose of presenting a slate of Unit Officers for the ensuing year. Any Unit member in good standing may be nominated on election night. The President may not serve on this committee.

Section 2. An Auditing Committee composed of three members shall be appointed by the Unit President for the purpose of auditing the Treasurer's accounts at the close of each term, and for making a report of the audit to the Unit.

Section 3. All committees shall prepare an annual report for their committee, as provided for in the Department Annual Plans of Work, with said report to be sent to the Unit's respective District President prior to April 15 of each year.

## **Article VII - Transfers**

Section 1. Transfer of membership from one Unit to another shall be upon application of the member to, and acceptance by, the other Unit, in conformity with National and Department Constitution and Bylaws.

Section 2. No person may, at any time, be a member of more than one (1) unit.

## **Article VIII - Discipline**

Section 1. For any violation of the Unit, Department or National Constitutions, or for conduct improper and prejudicial to the welfare of the Auxiliary or of the American Legion, any member may be expelled from membership or any officer may be removed from office by a two-thirds vote at a Unit meeting duly called for that purpose, said expulsion or removal to be binding only in the event said member or officer shall have been given at least fifteen days notice in writing by the Unit Secretary of the charges and the hearing thereon. Either party may have the right to appeal to the Department Executive Committee, and their action thereon shall be final. The expense of said appeal shall be borne by the appellant.

Section 2. For exclusion or suspension of a member, the procedure as outlined in the Unit Handbook (rev. 2005), Chapter XXV, entitled "Procedure in the Expulsion or Suspension of a Member of the American Legion Auxiliary", shall be followed.

Section 3. Should an officer fail to attend three (3) consecutive meetings, regular or executive without warranted reason, and not complied with the duties of her office shall be duly notified in writing that she is approaching replacement. Upon failure to respond within fifteen (15) days to said notification the office shall be declared vacant and shall be filled by a majority vote of the entire Executive Committee. A person so elected shall hold office for the unexpired term of the member she succeeds.

Section 4. Neither this Unit in the Department or any member thereof shall circularize any other Unit or member thereof without the consent of the Department Executive Committee.

Section 5. Liabilities: No member or group of members shall subject this Unit to liability without authorization of this Unit.

### **Article IX - Parliamentary Authority**

The Unit organization shall be governed by the CURRENT EDITION of "Roberts Rules of Order, Newly Revised; on all points not covered by this Constitution and Bylaws, the Department of Texas Constitution and Bylaws and Standing Rules, and National Constitution and Bylaws and Standing Rules.

### **Article X - Amendments**

Section 1. These Bylaws may be amended by a two-thirds vote of the members present at a regular Unit meeting, provided the proposed amendments shall have been read at the previous Unit meeting.

Section 2. Amendments not having been previously read may be adopted by the unanimous vote of the members present.

Section 3. The Department Constitution and Bylaws Committee must approve all amendments to this Unit Constitution and Bylaws and Standing Rules before they become effective.

Section 4. These Bylaws shall be automatically amended to conform to the National and Department Constitution and Bylaws and Standing Rules of the American Legion Auxiliary.

THESE CONSTITUTION AND BYLAWS WERE VOTED ON AND APPROVED AT THE MEETING OF \_\_\_\_\_ ON \_\_\_\_\_.  
(Unit Name & Number) (Date)

\_\_\_\_\_  
Unit President

\_\_\_\_\_  
C&B Chairman

# STANDING RULES (Sample Only)

## PREFACE

Standing Rules are rules and regulations for the guidance of an assembly, which have been adopted, the same as ordinary resolutions, by a majority vote without previous notice. A Standing Rule may be amended or rescinded by a two-thirds vote, or if notice has been given, by a majority vote. Standing Rules are usually adopted from time to time, as they are needed, in the form of resolutions.

STANDING RULES OF UNIT \_\_\_\_\_ NO. \_\_\_\_\_

1. Each Unit officer, at the close of the administrative year, must pass on to her successor, all records, pins, and materials pertaining to her office.
2. When entertaining any official visitor and party, the Unit shall provide floral decorations, corsages, and complimentary tickets to all social functions.
3. It shall be the prerogative of the Unit President-elect to choose an installing officer who meets the qualifications set forth in the Unit Manual of Ceremonies.
4. No more than \$ \_\_\_\_\_ a month will be allowed for stamps, envelopes, cards, checks and other supplies needed for the work of the Unit.
5. The Unit Chaplain shall send a greeting card to any Auxiliary member hospitalized; or in need of cheer; and, to the family of a deceased member and when a member has lost a member of her immediate family.
6. A Memorial Contribution in the amount of \$ \_\_\_\_\_ shall be made to the American Legion Auxiliary Cancer Research Fund or the VA&R General Rehabilitation Fund or Department Education Scholarship Fund upon the death of a member.
7. Newly elected Unit officers shall assume the duties of their office after the annual Department Convention.
8. The Unit President shall serve as delegation chairman at conventions. If not present, the next highest-ranking officer shall be chairman as outlined in the Unit handbook.

THESE STANDING RULES WERE VOTED ON AND APPROVED AT THE MEETING OF  
\_\_\_\_\_  
(Unit Name and Number) ON \_\_\_\_\_  
(Date)

\_\_\_\_\_  
Unit President

\_\_\_\_\_  
C&B Chairman